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9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. **2011-106**

13 **CHRISTINA ANN PUTMAN**
14 **AKA KRISTI PUTMAN**
24974 La Pantera
15 Laguna Niguel, CA 92677

A C C U S A T I O N

16 **Registered Nurse License No. 395776**

17 **Respondent.**

18
19 **Complainant alleges:**

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
23 of Consumer Affairs.

24 2. On or about March 31, 1986, the Board of Registered Nursing issued Registered
25 Nurse License Number 395776 to Christina Ann Putman aka Kristi Putman (Respondent). The
26 Registered Nurse License was in full force and effect at all times relevant to the charges brought
27 herein and will expire on August 31, 2011, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after expiration

STATUTORY PROVISIONS

6. Section 490 of the Code provides that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

7. Section 493 of the Code states:

"Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, and duties of the licensee in question.

"As used in this section, 'license' includes 'certificate,' 'permit,' 'authority,' and 'registration.'"

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1 8. Section 2761 of the Code states:

2 “The board may take disciplinary action against a certified or licensed nurse or deny an
3 application for a certificate or license for any of the following:

4 (a) Unprofessional conduct, which includes, but is not limited to, the following:

5 “....

6 “(f) Conviction of a felony or of any offense substantially related to the qualifications,
7 functions, and duties of a registered nurse, in which event the record of the conviction shall be
8 conclusive evidence thereof.

9 “....”

10 9. Section 2762 of the Code states in relevant part:

11 “In addition to other acts constituting unprofessional conduct within the meaning of this
12 chapter it is unprofessional conduct for a person licensed under this chapter to do any of the
13 following:

14 “(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed
15 physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or
16 administer to another, any controlled substance as defined in Division 10 (commencing with
17 Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as
18 defined in Section 4022.

19 “(b) Use any controlled substance as defined in Division 10 (commencing with Section
20 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in
21 Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to
22 himself or herself, any other person, or the public or to the extent that such use impairs his or her
23 ability to conduct with safety to the public the practice authorized by his or her license.

24 “(c) Be convicted of a criminal offense involving the prescription, consumption, or self-
25 administration of any of the substances described in subdivisions (a) and (b) of this section, or the
26 possession of, or falsification of a record pertaining to, the substances described in subdivision (a)
27 of this section, in which event the record of the conviction is conclusive evidence thereof.

28 “....”

10. Section 2765 of the Code states:

“A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions and duties of a registered nurse is deemed to be a conviction within the meaning of this article. The board may order the license or certificate suspended or revoked, or may decline to issue a license or certificate, when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.”

REGULATIONS

11. California Code of Regulations, title 16, section 1444, states:

“A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

"(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

“(b) Failure to comply with any mandatory reporting requirements.

“(c) Theft, dishonesty, fraud, or deceit.

"(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code."

12. California Code of Regulations, title 16, section 1445 provides:

“ . . .

“(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

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“(1) Nature and severity of the act(s) or offense(s).

“(2) Total criminal record.

“(3) The time that has elapsed since commission of the act(s) or offense(s).

“(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

"(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

“(6) Evidence, if any, of rehabilitation submitted by the licensee.”

COST RECOVERY

13. Section 125.3 of the Code provides that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(May 7, 2009, Conviction for DUI Hit and Run on January 17, 2009)

14. Respondent is subject to disciplinary action under Code sections 490 and 2761, subdivision (f), on the grounds that she was convicted of a crime substantially related to her qualifications, functions and duties as a registered nurse. The circumstances are as follows:

a. On May 7, 2009, in a criminal case entitled *The People of the State of California v. Christina Ann Putman aka Christina Ann Matthews*, Orange County Superior Court, Harbor Justice Center, Newport Beach Facility case number 09HM01716, Respondent was convicted on her plea of guilty of violating Vehicle Code section 23152, subdivision (b), driving a vehicle while having more than a .08 percent blood alcohol concentration (BAC), with an enhancement violation of Vehicle Code section 23538(b)(2), BAC of .20 BAC or more; and Vehicle Code section 20002, subdivision (a), hit and run with property damage. Respondent plead guilty to driving with a .33% BAC.

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1 b. The facts that led to this conviction are that on January 17, 2009, an Orange County
2 Sheriff officer was dispatched to the area of Aliso Creek and Pacific Park in Aliso Viejo,
3 California, regarding a gray colored Chrysler stalled in traffic lanes with a female driver who
4 appeared to be asleep behind the wheel. The officer checked the area but was unable to locate the
5 vehicle. Minutes later the officer was dispatched to 23411 Summerfield regarding a gray colored
6 Chrysler that hit a security gate at the Saint Moritz apartment complex and fled the scene. Earlier
7 the same day another officer had been dispatched to a hit and run traffic accident involving the
8 same Chrysler on Aliso Creek at Autumn Glen in Aliso Viejo (less than a mile away from the
9 Respondent's address on Summerfield). The officer located the unoccupied Chrysler that had
10 damage to the front bumper parked in a parking space inside the complex. The officers found out
11 that the registered owner was Respondent and attempted to make contact with her to find out who
12 had been driving the Chrysler. The officers made contact with Respondent at her apartment and
13 she verified that she was the registered owner of the Chrysler parked outside. When Respondent
14 was asked if she had been driving the Chrysler recently, she admitted that she had just got home
15 from dropping off her nephew at the Ralph's store at the Aliso Viejo Town Center. Respondent
16 was then advised that her vehicle was involved in two different traffic accidents. Respondent said
17 that she had stopped for the first accident and when asked if she was aware that she had collided
18 into the gate at the entrance of her apartment complex, she said that she did not know. When
19 asked if she had anything to drink today, Respondent admitted to drinking Vodka. Respondent's
20 statement included the following: She drove her nephew to the Ralph's store across the street,
21 bought a bottle of vodka and drank half the bottle in her car. She threw the rest of the bottle of
22 vodka away after she got home. She did not remember too much of what happened from the time
23 she dropped off her nephew at Ralphs until the time she got home. Respondent was placed under
24 arrest for driving under the influence of alcohol.

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1 c. As a result of the conviction on May 7, 2009, Respondent was sentenced to informal
2 probation for 3 years, ordered to violate no law, pay various fines and fees, complete 30 days of
3 community service which was stayed pending completion of 30 days of an inpatient rehabilitation
4 program followed by 6 months of an out-patient follow up program, not to drive without a valid
5 driver's license and insurance, to use her true name and date of birth at all times, install an
6 ignition interlock device for 1 year, not to drive after drinking alcohol, complete a 9 month level 2
7 first offender alcohol program, complete Mothers Against Drunk Driving (MADD) Victim's
8 Impact Panel, pay restitution as determined and directed by the victim witness, and complete and
9 return a statement of assets form to the court. Thus far, Respondent has violated the terms of her
10 probation terms twice.

11 **SECOND CAUSE FOR DISCIPLINE**

12 **(Using Alcohol to an Extent Dangerous to Self and Others)**

13 15. Respondent's license is subject to discipline under Code section 2762,
14 subdivision (b), in that Respondent used alcohol to an extent dangerous to herself and others as is
15 set forth in paragraph 14, above, which is incorporated by this reference.

16 **THIRD CAUSE FOR DISCIPLINE**

17 **(Criminal Conviction Involving the Consumption of Alcohol)**

18 16. Respondent's license is subject to discipline under Code section 2762,
19 subdivision (c), in that Respondent was convicted of a criminal offense involving the
20 consumption of alcohol as is set forth in paragraph 14, above, which is incorporated by this
21 reference.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 395776, issued to Christina Ann Putman aka Kristi Putman;
2. Ordering Christina Ann Putman to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED: 8/9/10

for *Louise R. Bailey*
LOUISE R. BAILEY, M.ED., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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